

UNITED STATES OF AMERICA  
Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

Ways to Promote     )  
Broadcast Localism )

FCC Docket MB 04-233

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WRITTEN TESTIMONY OF  
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FOR OCTOBER 31, 2007 DOCKET MB 04-233 HEARINGS  
IN WASHINGTON, DC

My name is Don Schellhardt. I am the attorney for The Amherst Alliance:

a national citizens' advocacy group for media reform that I co-founded in

September of 1998. Amherst played a key role in successful efforts to persuade the

FCC to establish Low Power FM (LPFM) radio stations in January of 2000. I was

was Amherst's President from 1998 through 2000, and from 2002 through 2004.

Today, we spotlight 9 key recommendations we have made to the FCC over

the past 9 years. Approving LPFM was a fine first step, but more must be done.

1. **Protect LPFM Stations, and "Grandfathered" Class D Educational Stations, From Displacement By Full Power Commercial Or Non-Commercial Stations.** This is the single most important step the FCC can take regarding LPFM at this time. We have urged the FCC to provide protection many times, going back to 1998 and 1999. Our most recent effort was a Petition For Rulemaking on February 14, 2007.

2. **Initiate The Long-Promised "Filing Window" For 10 Watt LPFM Stations.** In its final rule to establish LPFM, back in 2000, the FCC promised to open "filing windows" for LP10 stations, with power levels of 1 to

10 watt. However, in the nearly 8 years since then, the FCC has only held filing windows for LP100 stations, ranging from 11 to 100 watts. Since the LP100 stations are generally too large to “fit” into the crowded radio spectrum in large urban areas, the 8-year delay has brought lost opportunities for LPFM stations in and near our larger cities. Please begin licensing LP10 stations now, before remaining opportunities for urban LPFM disappear totally.

3. **Establish 250 Watt LPFM Stations In Truly Rural Areas.** Due to lower population density, power levels above 100 watts are often needed to make LPFM stations financially viable in truly rural areas. We recommend 250 watts for service areas which fall completely outside of any Standard Metropolitan or Micropolitan Areas.

4. **Issue A Final Rule, To Establish Low Power AM (LPAM) Radio Stations, In Docket RM-11287.** This Docket, initiated in response to a Petition For Rulemaking by The Amherst Alliance and others, was opened and closed in 2005. LPAM advocates submitted a revised proposal in this Docket, with uniform power ceilings of 10 watts, in May of 2006. Legally, the “decks are cleared” for issuance of a final rule. In large urban areas, where opportunities for even 1 to 10 watt LPFM stations are scarce, LPAM stations are desperately needed, now, as a supplement to urban LPFM.

5. **Open A Docket To Consider The RADIO READY FOR GROWTH Proposal To Raise The Power Ceilings For Legally Unlicensed Part 15 AM Stations.**

The new group, RADIO READY FOR GROWTH (RRTG), submitted a proposal, which was placed in the record of Docket RM-11287, in November of 2005. RRTG advocated allowing legally unlicensed Part 15 AM stations to transmit at up to 1 watt. (Bear in mind that, as recently as 1968, the FCC allowed legally unlicensed radio stations to transmit at up to 100 watts.) RRTG has called higher Part 15 power ceilings “the final piece of the puzzle” in bringing revived community radio back to large urban areas. Higher Part 15 power ceilings will also permit coverage of entire towns in rural areas.

6. **“First, Do No Harm”: Decline To Raise The Current Media Ownership Ceilings On How Much Of The Media A Single Institution May Legally Own.** By now, it is very, very clear that many, many Americans are very, very unhappy about the current level of “media consolidation” and standardized programming. Please do not make the situation worse through another attempt to raise media ownership ceilings.

7. **Next: Reduce The Media Ownership Ceilings.** As The Amherst Alliance pointed out in 2002, during Hearings on media ownership in Richmond, Section 202 (h) of the Telecommunications Act allows the FCC to raise or lower media ownership ceilings every 2 years, depending on the evidence of how much media competition actually exists (or doesn’t). Some divestiture of stations is long overdue.

8. **Urge Congress To End, Or At Least Modify, Mandatory License Auctions For All Commercial Radio Stations.** With the possible exception of higher media ownership ceilings, nothing has done as much to encourage media consolidation as the policy of requiring all commercial radio licenses to be sold to the highest bidder. If Congress is unwilling to repeal completely its 1996 mandate for license auctions, it should at least exempt from auctions: (a) current Part A commercial stations; and (b) future commercial LPAM stations.

9. **Once Again, Urge Congress To Adopt Adjacent Channel Spacing Reform.** We thank the Commission for its previous recommendation to Congress that it should repeal the unjustified channel spacing restrictions which a “lame duck” Session imposed on LPFM in 2000. We ask the FCC to make this recommendation again.

Respectfully submitted,

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Dated: October 29, 2007